

Appeal Decision

Site visit made on 14 March 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th April 2017

Appeal Ref: APP/H3510/W/16/3165196

Quickthorns, Windmill Hill, Exning CB8 7PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Terry Griffin against the decision of Forest Heath District Council.
 - The application Ref DC/16/1437/FUL, dated 1 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is two new 'chalet style' one and half storey dwellings, new access and road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of development on (a) the living conditions of occupiers of Quickthorns with regard to privacy, noise and disturbance and (b) the character and appearance of the area.

Reasons

Living conditions

3. The proposed development would be located in the bottom half of the existing rear garden at Quickthorns, with two dormer windows for each property at first floor level serving a bathroom and bedroom. There is a slight drop in levels, and a proposed tall hedgerow to separate the remaining rear garden at Quickthorns from the development, but the rear elevation and garden of Quickthorns would still be visible from the dormer windows of the two proposed dwellings. Although there are habitable rooms on the rear elevation of Quickthorns, the distance between windows and the slightly angled layout of each proposed dwelling means that any overlooking issues between rooms would be limited.
 4. However, the dormer windows would look directly over the top of the hedge into the rear garden of Quickthorns, a space where a greater degree of privacy is normally expected. In its appeal statement, the Council has introduced the perception of overlooking from the bathroom windows as a negative effect, but with obscure glazing this would not be a significant issue. Rather, it is the effect of overlooking to the rear garden from the proposed bedroom windows, where obscure glazing would not be suitable, that would result in adverse effects to the living conditions of occupiers of Quickthorns in terms of privacy.
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5. At my site visit, I observed considerable and continuous traffic noise generated by the A14 trunk road a short distance to the south. Traffic along Windmill Hill was more intermittent and only resulted in short bursts of localised noise. The access road to the proposed development would result in some additional localised traffic noise for occupiers of Quickthorns, but it would be infrequent and not noticeably worse than existing levels of traffic noise. Moreover, noise levels could be partly controlled through the use of appropriate surface materials and boundary treatments.
6. Although the access road would loop around the side of Quickthorns, and the two dwellings would be to the rear, the existing properties would not be entirely surrounded and would retain a large garden on three sides. Domestic activity associated with the two dwellings would result in a degree of noise and disturbance. However, given the distance between Quickthorns and the development, the existing suburban character of the surrounding area, and the mitigating effects of landscaping, any effects would be limited.
7. Concluding on this main issue, while the proposed development would have limited effects on the occupiers of Quickthorns in terms of noise and disturbance and privacy within the property, it would result in adverse effects in terms of privacy within the rear garden. Therefore, it would not accord with Policy DM2 of the Joint Development Management Policies Document 2015 (JDMPD) which, amongst other things, seeks to avoid adverse effects on the amenities of adjoining areas by reason of overlooking. It would also conflict with the National Planning Policy Framework (NPPF) which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

8. The eastern edge of Exning is characterised by large detached dwellings on generous plots. There have been a number of recent residential developments including Shepherd Close to the east of the appeal site and infill housing on The Highlands and Saxon Close, but these maintain the area's overall spacious character and appearance.
9. The proposed development would follow a similar building line to 2a The Highlands and 12 Shepherd Close and would not be visually prominent given the backland location. The appellant has demonstrated similar dwelling to plot ratios for this development compared to recently built or permitted new dwellings. However, the plot size for each new property would be significantly smaller than plot sizes of surrounding properties including the remaining plot for Quickthorns. As such, the development would have a restricted amount of external space and would appear cramped and out of keeping with the spacious character and appearance of the area.
10. A recent appeal decision at 2 The Highlands¹ accepted a new dwelling on a much narrower plot of land than surrounding development. I do not have the full details relating to this appeal, but note the Inspector considered the specific design of the dwelling to fit successfully into the space as an ancillary building. In contrast, the proposed dwellings to the rear of Quickthorns would not have an ancillary appearance but would be clearly separate dwellings on separate smaller plots. Thus, the appeal decision at 2 The Highlands is not a decisive factor.

¹ APP/H3510/W/16/3152689

11. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area. Therefore, it would not accord with Policies DM2 and DM22 of the JDMPD which, amongst other things, seek development that addresses and utilises local characteristics and urban form. It would also conflict with the aims of NPPF which seeks good design.

Other Matters

12. The development would provide some benefits in terms of additional housing in a village location with reasonable access to services and facilities, and would be energy efficient. However, given the scale of development, these benefits are modest and do not outweigh the harm I have identified.

Conclusion

13. The proposed development would have an adverse effect on the character and appearance of the area and the living conditions of occupiers of Quickthorns with regards to privacy in their rear garden. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR